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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 IN RE BROCADE COMMUNICATIONS) No.: C 05-02233 CRB
13 SYSTEMS, INC. DERIVATIVE)
14 LITIGATION)

) [PROPOSED] ORDER GRANTING
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED PURSUANT TO L.R.3-12 (b)

15 This Document Relates to:

16)

17 ALL ACTIONS)

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1 Plaintiff Mary E. Barbour, as Trustee for the Mary E. Barbour Family Trust
2 One, has moved for consideration of whether *Mary E. Barbour as Trustee for the*
3 *Mary E. Barbour Family Trust One v. Gregory L. Reyes*, Case No. CV08-2029-
4 JSW, filed on April 18, 2008, is related to the cases of *In re Brocade*
5 *Communications Sys., Inc. Derivative Litig.*, Case No. CV 05-02233-CRB and *In*
6 *re Brocade Communications Systems, Inc. Sec. Litig.*, Case No. CV 05-02042-
7 CRB.

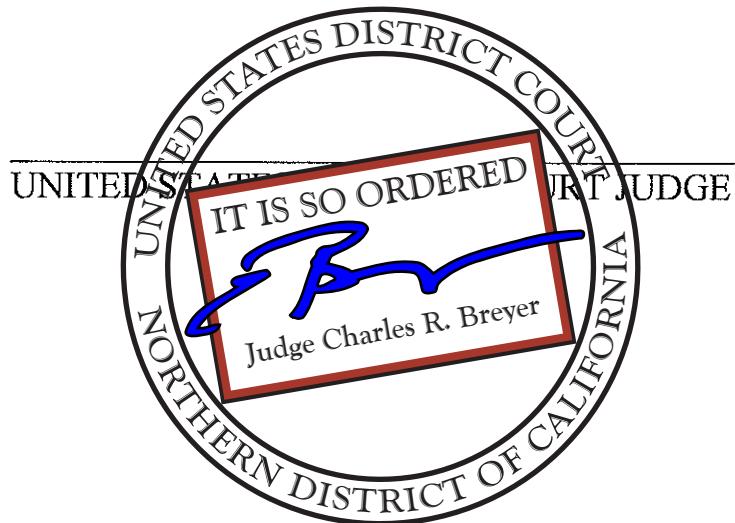
8 Pursuant to Civil L.R. 3-12, the Court finds that the cases are related. They
9 involve similar parties and events. Plaintiff Barbour's Complaint is a shareholder
10 derivative complaint on behalf of nominal defendant Brocade Communications
11 Systems, Inc. and contains causes of action relating to the stock options backdating
12 activity which forms the basis of Case No. CV 05-02233-CRB and Case No. CV
13 05-02042-CRB. While there are different causes of action, claims and parties in
14 the related cases, and while Case No. CV05-02042-CRB is a securities fraud class
15 action case and the other cases are shareholder derivative actions, the Complaints
16 contain similar factual allegations. It appears likely that there will be an unduly
17 burdensome duplication of labor and expense and potentially conflicting results if
18 these cases are conducted before different judges. Therefore, assignment of a
19 single judge is likely to conserve judicial resources and promote an efficient
20 determination of the actions. However, since the *Barbour* action alleges demand
21 futility and the currently pending derivative cases have conceded demand and since
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1 there is no operative complaint in Case No. 05-02233, the *Barbour* action is not
2 consolidated into Case No. 05-02233.
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4 Plaintiff Barbour's case is ordered transferred to this Court.
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6 IT IS SO ORDERED.
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8 DATED: May 27, 2008



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